

§ 71.804

30 CFR Ch. I (7-1-00 Edition)

§ 71.804 Supplemental noise exposure survey; reports and certification.

(a) Where the certified results of an initial noise exposure survey conducted in accordance with § 71.802 or a periodic noise exposure survey conducted in accordance with § 71.803 indicate that any miner may be exposed to a noise exposure in excess of the permissible noise exposure, the operator shall conduct a supplemental noise exposure survey with respect to each miner whose noise exposure exceeds this standard. This survey shall be conducted within 15 days following notification to the operator by the Mine Safety and Health Administration to conduct such survey.

(b) Supplemental noise exposure surveys shall be conducted by taking noise exposure measurements in accordance with § 70.506 of this Subchapter O; however, noise exposure measurements shall be taken of each individual operation to which the miner under consideration is actually exposed during his normal work shift and the duration of each such exposure shall be recorded.

(c) Each operator shall report and certify the results of each supplemental noise exposure survey conducted in accordance with this section to the Mine Safety and Health Administration and the Department of Health and Human Services using the Coal Mine Noise Data Report Form to record noise level readings taken with respect to all operations during which such measurements were taken.

(d) Supplemental noise exposure surveys shall, upon completion, be mailed to:

Division of Automatic Data Processing, Post Office Box 25407, Building 41, Denver Federal Center, Denver, CO 80225.

(Pub. L. No. 96-511, 94 Stat. 2812 (44 U.S.C. 3501 et seq.))

[39 FR 17102, May 13, 1974, as amended at 43 FR 40764, Sept. 12, 1978. Redesignated at 45 FR 80756, Dec. 5, 1980 and further amended at 47 FR 14696, Apr. 6, 1982; 47 FR 28095, June 29, 1982; 60 FR 33723, June 29, 1995]

§ 71.805 Violation of noise standard; notice of violation; action required by operator.

(a) Where the results of a supplemental noise exposure survey conducted in accordance with § 71.804 indicate that any miner is exposed to noise

levels which exceed the permissible noise levels, the Secretary shall issue a notice to the operator that he is in violation of this subpart.

(b) Upon receipt of a notice of violation issued pursuant to paragraph (a) of this section, the operator shall:

(1) Institute, promptly, administrative and/or engineering controls necessary to assure compliance with the standard. Such controls may include protective devices other than those devices or systems which the Secretary or his authorized representative finds to be hazardous in such mine.

(2) Within 60 days following the issuance of the first notice of violation of this subpart, submit for approval to a joint Mine Safety and Health Administration/Health and Human Services committee, a plan for the administration of a continuing, effective hearing conservation program to assure compliance with this subpart, including provision for:

(i) Reducing environmental noise levels;

(ii) Personal ear protective devices to be made available to the miners;

(iii) Preplacement and periodic audiograms.

(iv) Those administrative and engineering controls that it has instituted to assure compliance with the standard.

(3) Plans required under paragraph (b)(2) of this section shall be submitted to:

Division of Automatic Data Processing, Post Office Box 25407, Building 41, Denver Federal Center, Denver, CO 80225.

(c) Within 30 days following the issuance of any subsequent notice of violation of this subpart, the operator shall submit in writing:

(1) A statement of the manner in which the plan is intended to prevent the violation or

(2) A revision to its plan to prevent similar future violations.

(Pub. L. No. 96-511, 94 Stat. 2812 (44 U.S.C. 3501 et seq.))

[39 FR 17102, May 13, 1974, as amended at 43 FR 40764, Sept. 12, 1978. Redesignated at 45 FR 80756, Dec. 5, 1980 and further amended at 47 FR 14696, Apr. 6, 1982; 47 FR 28095, June 29, 1982; 60 FR 33723, June 29, 1995]